

#4

2345/110  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Klaus-Peter ZEFFLER et al.  
Serial No. : 09/462,337  
Filing Date : April 17, 2000  
For : METHOD FOR TRANSMITTING SIGNALING  
AND CONTROL INFORMATION FOR  
WAVELENGTH-DIVISION MULTIPLEX  
NETWORKS FOR USE IN OPTICAL, FIBER-  
BOUND INFORMATION TRANSFER

**RECEIVED**

29 JUN 2001

Legal Staff  
International Division

Assistant Commissioner  
For Patents  
Washington, D.C. 20231  
Attention: Box PCT  
Fred Smith

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Assistant Commissioner for Patents, Washington, D.C. 20231  
Attention: Box PCT on

Date

June 14, 2001

Reg. No. 47,084

Signature:

*Linda M. Shudy*

Linda M. Shudy (Reg. No. 47,084)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
DUE TO PATENT OFFICE ERROR**

SIR:

Applicants hereby petition to have the Notification of Abandonment,  
dated May 23, 2001, of the above-identified patent application withdrawn due to an error  
on the part of the U.S. Patent and Trademark Office. The following facts are pertinent:

A Notice to File Missing Requirements was mailed on March 1, 2000 and  
a response was due on April 1, 2000.

05/20/2001 MHGUYEN 00000116 110600 09462337

01 FC:154  
02 FC:115

130.00 CH  
110.00 CH

On April 17, 2000, the undersigned attorney for Applicants prepared and  
filed a response to the Notice to File Missing Requirements authorizing payment of the  
surcharge of \$130.00 and the one (1) month Extension fee of \$110.00 from the Deposit

Account of Kenyon & Kenyon, Account No. 11-0600, with a submission of the requested executed Declaration and Power of Attorney

A copy of the Notice to File Missing Requirements dated April 17, 2001 and bearing Express Mail No. EL234412235US and the PCT/PTO stamped return postcard, the response and the executed Declaration and Power of Attorney are enclosed.

It is therefore respectfully submitted that the Notice to File Missing Requirements was properly filed, and that the Notice of Abandonment was issued as a result of U.S. Patent and Trademark Office error. It is therefore respectfully requested that this abandonment be withdrawn.

As this petition was necessitated by U.S. Patent and Trademark Office error, no fee is believed to be required. However, if any fee is required, the Commissioner is authorized to charge Deposit Account No. 11-0600. A copy of this petition is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON

Dated: June 14, 2001

By: R. L. Mayer <sup>By: Linda H. Sunde</sup>  
Richard L. Mayer  
Reg. No. 22,490

One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288  
Customer No. 46626



**UNITED STATES DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

132147 USW

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/462337	ZEFFLER	K 2345/110
INTERNATIONAL APPLICATION NO.		
PCT/EP98/02737		
I.A. FILING DATE		PRIORITY DATE
11 MAY 98		15 JUL 97

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

DATE MAILED:

23 MAY 2001

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01 MAR 2000 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Fred Smith

Telephone: 703-305-3654

MAY 29  
KEN  
OF  
NE

RECEIVED

29 JUN 2001

Legal Staff  
International Division

## EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER EL 244 50312548DATE OF DEPOSIT 6/14/01TYPE OF DOCUMENT Petition to withdraw Holding of  
Abandonment Due to Patent Office ErrorSERIAL NO. 09/462,337 FILING DATE 4/17/2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Chandna Seonarsain

(PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Chandna Seonarsain

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Method For Transmitting Signaling And Control Information  
For Wavelength-Division Multiplex Networks For Use In Optical  
Fiber-Bound Information Transfer